

REMARKS

Claims 1-33 and 43-45 are pending. Claims 34-42 and 46 were previously canceled without prejudice to or disclaimer of the underlying subject matter contained therein. Claims 1, 13, 21, 30 and 43, as well as portions of the Specification of the instant application, have been amended. Applicants respectfully request reconsideration of the application in response to the non-final Office action.

Allowable Subject Matter

Claims 10 and 13 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the indication of the allowable subject matter, and appreciate the Examiner's suggestion regarding the combination of claims 10 and 13 together with claim 1. Based on at least the arguments submitted below, however, Applicants believe claims 1 (as amended), 10 and 13 to be allowable in their present form and have therefore elected not to rewrite the objected to claims in independent form at this time.

Claims 28 and 30 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the indication of the allowable subject matter, and appreciate the Examiner's suggestion regarding the combination of claims 28 and 30 together with claim 21. Based on at least the arguments submitted below, however, Applicants believe claims 21 (as amended), 28 and 30 to be allowable in their present form and

have therefore elected not to rewrite the objected to claims in independent form at this time.

Objections to the Specification

The Examiner has objected to the abstract for having more than 150 words. Applicants have amended the Abstract to reflect the subject matter of the pending claims and to comply with the word limit of 150 words or less. Accordingly, Applicants respectfully request that the objection to the Specification be withdrawn.

Claim Rejection – 35 U.S.C. §102

Claims 1-8, 14-17, 19-27, 31-33 and 43-45 have been rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over U.S. Patent No. 5,874,988 to Gu ("Gu"). Applicants traverse the rejection for at least the following reasons.

Independent claim 1, as amended, recites a method for generating user preference data regarding a color characteristic of an image, wherein a preference image comprises an image converted to have a color characteristic that a user prefers with respect to a predetermined reference image, a preference value comprises a color characteristic value of the preference image and a reference value comprises a color characteristic value of the reference image, the method comprising:

- (a) generating a characteristic value pair {preference value, reference value} which corresponds to a pair of the preference value and the reference value; and
- (b) generating preference meta-data having at least one feature block for the pair {preference value, reference value}, wherein the feature block comprises:

a block header including a feature identifier corresponding to information identifying a color characteristic; and

at least one feature descriptor including the preference value and the reference value as values of the identified color characteristic for the preference image and the reference image, respectively.

As described in the specification of the instant application, with reference to FIG. 1, a preference obtainer 100 includes a sample image obtaining unit 10 and a color characteristic calculating unit 12. The sample image obtaining unit 10 obtains a preference image and a reference image from a user's selection or a user's color adjustment, and the color characteristic calculating unit 12 calculates color characteristic values of the preference image and the reference image and generates a pair {preference value, reference value} which corresponds to a pair of a reference value and a preference value. Meanwhile, a preference data generator 150 receives the preference value and reference value generated in the preference obtainer 100 and generates preference meta-data having at least one feature block. The feature block includes a block header including a feature identifier corresponding to information identifying a color characteristic and at least one feature descriptor including the preference value and the reference value. (See, Specification at page 11, line 27; page 12, line 2; page 13, lines 4-13; page 15, lines 13-15; and page 16, lines 12-14).

Gu does not teach "generating a characteristic value pair {preference value, reference value} which corresponds to a pair of the preference value and the reference value," as recited in amended claim 1. Applicants respectfully disagree with the Office's characterization on pages 3 and 4 of the Office action of FIG. 8 of Gu as disclosing the computing of reference and user preference that will lead to

creating of data block, of FIG. 12 as disclosing the data structure of the data block, and of FIG. 8, step 810, as disclosing the pairing computing of user target/preference and reference data. Rather, FIG. 8 of Gu illustrates a flow diagram of a match process 800 in which video parameters of a target image are iteratively adjusted until they match corresponding video parameters of a selected reference. (Gu at col. 20, lines 22-29). In step 802, appropriate data from the selected reference image is retrieved, the data of the selected reference image being stored in a data structure in a form such as that shown in FIG. 12. (Gu at col. 20, lines 48-53). Then, in step 804, a target image is captured and, in step 810, computed target image parameters are compared to the reference image parameters. (Gu at col. 20, line 54 and col. 21, lines 7-8).

Thus, the data structure shown in FIG. 12 of Gu only pertains to values of the selected reference image and not to preference and reference values. Moreover, the comparison in step 810 does not lead to the creating of "a characteristic value pair {preference value, reference value} which corresponds to a pair of the preference value and the reference value," as recited in amended claim 1 and, at most, leads to the generating of CORRECTION VALUES, which characterize the difference between the target image parameter values and the reference image parameter values. (See, Gu at col. 21, lines 15-32).

Additionally, Gu does not teach "generating preference meta-data having at least one feature block for the pair {preference value, reference value}," the feature block comprising "a block header including a feature identifier corresponding to information identifying a color characteristic," and "at least one feature descriptor including the preference value and the reference value as values of the identified

color characteristic for the preference image and the reference image, respectively," as recited in amended claim 1. Applicants respectfully disagree with the Office's characterization on page 4 of the Office action of FIG. 12 of Gu as disclosing the data structure of the meta block. As described herein, FIG. 12 is a table illustrating the data structure for the information that is stored in association with each reference image. (Gu at col. 23, lines 56-58). Therefore, such data structure would not include "at least one feature descriptor including the preference value and the reference value as values of the identified color characteristic for the preference image and the reference image, respectively," as recited in amended claim 1 (emphasis added).

Thus, because Gu does not describe each and every element as set forth in claim 1, Applicants submit that Gu does not anticipate claim 1. (See, MPEP at §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Accordingly Applicants respectfully request that the rejection under 35 U.S.C. §102(b) of independent claim 1, and of claims 2-8, 14-17, 19, 20 and 45, which depend therefrom, be withdrawn. Further, for reasons analogous to those presented for claim 1, Applicants submit that Gu does not anticipate independent claims 21 and 43, as amended, and respectfully request that the rejection under 35 U.S.C. §102(b) of claim 21, and claims 22-27 and 31-33, which depend therefrom, and of claim 43, and claim 44, which depends therefrom, be withdrawn.

Claim Rejections – 35 U.S.C. §103

Claims 9 and 11

Claims 9 and 11 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gu in view of U.S. Patent No. 6,069,982 to Reuman ("Reuman"). Applicants traverse the rejection for at least the same reasons presented for independent claim 1, and submit that claims 9 and 11, which depend therefrom, are also patentable over Gu, and that Reuman does not supply, and is not purported to supply, the teachings missing from Gu.

At a minimum, no combination of Gu and Reuman appears to teach or suggest "generating a characteristic value pair {preference value, reference value} which corresponds to a pair of the preference value and the reference value," and "generating preference meta-data having at least one feature block for the pair {preference value, reference value}," the feature block comprising "a block header including a feature identifier corresponding to information identifying a color characteristic," and "at least one feature descriptor including the preference value and the reference value as values of the identified color characteristic for the preference image and the reference image, respectively," as recited in amended parent claim 1. Accordingly, Applicants respectfully request that the rejection of claims 9 and 11 under §103(a) over Gu in view of Reuman be withdrawn.

Claims 12 and 29

Claims 12 and 29 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gu in view of Reuman, as in claim 11, and further in view of U.S. Patent Application Publication No. 2001/0028736 to Pettigrew ("Pettigrew").

Applicants traverse the rejection for at least the same reasons presented for independent claims 1 and 21, and submit that claims 12 and 29, which depend therefrom, respectively, are also patentable over Gu, and that Reuman and Pettigrew do not supply, and are not purported to supply, the teachings missing from Gu. Accordingly, Applicants respectfully request that the rejection of claims 12 and 29 under §103(a) over Gu, Reuman, and Pettigrew be withdrawn.

Claim 18

Claim 18 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gu. Applicants traverse the rejection for at least the following reasons. Applicants traverse the rejection for at least the same reasons presented for independent claim 1, and submit that claim 18, which depends therefrom, is also patentable over Gu.

At a minimum, Gu does not teach or suggest "generating a characteristic value pair {preference value, reference value} which corresponds to a pair of the preference value and the reference value," and "generating preference meta-data having at least one feature block for the pair {preference value, reference value}," the feature block comprising "a block header including a feature identifier corresponding to information identifying a color characteristic," and "at least one feature descriptor including the preference value and the reference value as values of the identified color characteristic for the preference image and the reference image, respectively," as recited in amended parent claim 1. Accordingly, Applicants respectfully request that the rejection of claim 18 under §103(a) over Gu be withdrawn.

Conclusion


It is believed that this Amendment does not require additional fees. However, if additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 5, 2007

By: 
Nicole D. Dretar
Registration No. 54,076

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620